IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 74 of 1998

Dama Mahadu Varkute ..Appellant

V/s

Shri Shankar Krishna Nipurte and Ors..Respondents

Shri D.B.Patil for Appellant

Shri Pankaj Das i/b R.S.Datar for Respondent

CORAML:S.R.SATHE,J.

DATE:7th October 2005

P.C.:-

1. Heard the learned Advocates for the parties.

2. The suit for specific performance is filed by the plaintiff in which the defendant had contended that he was in possession of the same as a tenant and the suit is barred by law of limitation. Both the contentions were negatived by the trial Court. So far as the argument that he was in possession and nature of the possession is of the permissible possession, there no material on record to indicate that there is substance of the contention raised on behalf of the defendant. Moreover, it is not the question of law but is a

question of fact. So far as the point of limitation is concerned, both the Courts have negatived the contention.

3 There is no error of law. No substantial question of law involved in the second appeal. Hence the second appeal is dismissed in limine.

(S.R.SATHE,J.)

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